



MICHAEL P. WALLS
VICE PRESIDENT
REGULATORY & TECHNICAL AFFAIRS

August 30, 2016

Ms. Wendy Cleland-Hamnett
Director, Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code 7401M
Washington DC 20460

Subject: Request for an Extension to the TSCA Chemical Data Reporting (CDR) 2016 Submission Period

Dear Ms. Cleland-Hamnett:

The American Chemistry Council (ACC) respectfully requests a 30-day extension to the 2016 submission period for the Chemical Data Reporting (CDR) Rule (80 Fed. Reg. 43383, July 22, 2015) from the current September 30, 2016 deadline to an October 31, 2016 deadline.

ACC understands the CDR's value as the most comprehensive source of basic, exposure-related information on chemicals available to EPA and the general public. Further, we continue to strongly support EPA's move to a fully electronic CDR submission process. Accurate data and information, and ensuring compliance, are primary objectives for the CDR.

The current submission period began June 1, 2016. Since then, and over the course of the summer, our members have reported a wide variety of electronic system issues that have significantly delayed the ability to upload and validate electronic data submissions. Among other things, companies have experienced issues with validation delays, timeouts, program freezes and restarts.

ACC member companies have been participating in weekly CDR Forum conference calls since spring of 2016 to address technical issues. We have also been diligent in encouraging our member companies to email the CDR help desk with written requests and issues as they arise. The Agency and its contractor, CGI, have been responsive in working with us, and working with individual member companies, to address technical issues as they arise. In many cases, the issues identified and flagged for EPA's attention have subsequently been fixed. However, problems have occurred that have created significant delays. Problems associated with using the e-CDR web system have included the following:



- Revisions to XML Schema: It has been unclear on several occasions whether and when the schema has been updated, resulting in delays with data input and upload.
- Inexact entries: the system requires “exact matching” of chemical entries by CASRN; any single mismatch by hyphen or spacing results in an error.
- Non-intuitive links that either require time to discern or help desk assistance: initial reports of warnings for validation did not link through to the specific chemical triggering the warning message, meaning tedious re-review occurred to isolate and correct the entry. Later in the process, it was learned that clicking on the warning message led to the specific error. The feature is not intuitive or apparent, nor is it clear from instructions, and has resulted in time lost either seeking EPA help desk assistance or troubleshooting.
- Access/unnoticed maintenance: the system has been taken down for outages/scheduled maintenance on at least one occasion without advance notice of the service period or notice that the service was available again, resulting in lost time.
- Help desk “fixes” offered that cannot be supported by particular companies: in many cases, the help desk has suggested that the submitter try using the Google Chrome browser instead of Internet Explorer as the sole mechanism for uploading an XML schema. Several member companies have reported that their companies’ IT departments will not allow them to use or install Google Chrome for specific security and compatibility reasons. For companies with larger submissions, particularly those with tens of thousands of chemicals, manual data entry later in the submission process would be extremely burdensome if even feasible within the time frames available.
- Data deletion: members have experienced problems in connection with merged entities where a name change occurred. An attempt to correct a company name to reflect current use resulted in outright deletion of a current data entry effort as well as 2012 data.
- Length of time for data validation or making changes to data in CDX: members have noted that significant time is needed, particularly when there are several sites involved and multiple chemicals, for EPA’s system to complete data validation or accept changes to data. Time lags, and wait times, have in some cases reported to be significant, particularly in the aggregate.

EPA staff and its consultant CGI have generally been responsive to issues as they have arisen either through the TSCA Hotline for CDR compliance and regulatory issues or through the CDX Help Desk and ecdrweb@epa.gov for e-CDRweb and CDX related issues. Help desk response times lagged early in the submission period, and in many cases appeared to be tied to the novelty of the technical issue raised. Help desk response times have improved over the course of the summer. Generally speaking, member companies have noted that the EPA help desk, staff, and consultants have been effective in ultimately troubleshooting most technical issues, creating patches or software solutions. We have noted several problems of growing concern, however, that are raising compliance and other concerns.

First, there is insufficient technical support available over the remaining submission period to service demand and ensure system operation. Substantial technical assistance has been needed, one-on-one, with companies to address specific issues, and this resource is both limited and will be in substantially increased demand – further limiting access – in the last four scheduled weeks of the CDR submission period. Member companies have reported lengthy email exchanges and

the need for one-on-one troubleshooting, where EPA or consulting staff will need time to address the specific issue.

Second, the technical “fix” often needed is not in the submitting company’s control. In such cases the company must wait for EPA or its consultant to make the fix before the submission process can continue.

Third, since the majority of submissions are likely to occur in the last 4 weeks of the submission period, it is likely that the demand for EPA help desk, consultant, and staff time with one-on-one support needs will soar.

Fourth, the technical issues are compounded by the fact that this CDR submission is requiring the submission of a significantly larger quantity of data than may have been expected by the agency. The 2016 submission period requires reporting total annual production volume per site for each of the past four years, 2012-2015, as opposed to the 2012 CDR, where the total past production volume was reported for just the past two years, 2010 and 2011. Attendant use information is required for this larger data set. In addition, the threshold for reporting has dropped significantly for a number of chemicals undergoing certain regulatory actions. The effect is that the size and scale of the total industry submission has swelled, further stressing the system.

Companies’ Compliance Concerns

Companies are concerned about potential compliance implications if a failure of the EPA mandated e-CDRweb system results in delays or a late submission. Companies have already lost considerable time due to these system disruptions. This has significantly impacted the business work processes in completing the Form U submissions.

Companies are also concerned that they have adequate time available to conduct quality checks of use designations and information, particularly as use and exposure data will be increasingly important during the administration of the TSCA amendments. We expect EPA will wish to use the 2016 CDR submission as one of its first and early sources of potential uses in implementation.

Our best estimate is that, to date, the need for significant, one-on-one troubleshooting of system issues has added 4-5 weeks total for companies’ submission processes.

Conclusion

ACC urges EPA to extend the CDR reporting submission period to October 31, 2016 to allow EPA/CGI time to address system issues, and allow submitters adequate time to electronically comply with the new CDR requirements. Because the scheduled end of the reporting period is only four weeks away, ACC recommends that EPA announce an extension as soon as possible. We appreciate that EPA’s addition of help desk staff in the next four weeks may alleviate some of the expected need to support system operation, but we also note that the addition of new staff, who are less familiar with system issues and technical fixes, may not make a fully operational system available to submitters.

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ACC fully supports EPA's need to electronically obtain better information on chemicals to help better prioritize its review of chemicals in commerce and to strengthen public confidence in the regulation of chemicals under TSCA and the 2016 amendments effected by the Lautenberg Chemical Safety Act. An extended reporting window will ultimately produce a more robust and useful database, and should also contribute to reporting results on a schedule commensurate with EPA's plans. ACC and its members remain committed to ensuring a workable, effective CDR electronic reporting process.

If we can provide any additional information, please let me know.

Sincerely,

A handwritten signature in black ink, reading "Michael P. Walls". The signature is written in a cursive style and is positioned above the printed name and title.

Michael P. Walls

Vice President

Regulatory & Technical Affairs

cc: Jeff Morris, EPA
Maria Doa, EPA
Tracy Williamson, EPA
Pamela Myrick, EPA